

Town of Odessa

MINUTES OF REGULAR TOWN COUNCIL MEETING MONDAY, JUNE 6, 2005

Those present at 7:00 PM:

Acting Mayor Kathy Harvey
Council Member Jacqueline Fox
Council Member Karlyn Grant

Treasurer James Grant
Secretary Jessica Norton

14 community members

I. Call to Order and Pledge of Allegiance: Acting Mayor Kathleen Harvey called the meeting to order at 7:05 PM.

II. Roll Call
**MOTION BY JACQUI FOX, SECONDED BY KARLYN GRANT:
TO ACCEPT THE ABSENCE OF JOHN RAUDENBUSH.**

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

III. Delaware State Police Report: The report was read by Captain Jim Paige. Jaqui Fox expressed concern about people using the park to play basketball after midnight and Captain Paige advised complainants to contact Troop 9.

IV. Approval of Minutes:

A. **MOTION BY KARLYN GRANT, SECONDED BY JACQUI FOX: THAT THE MINUTES FROM THE REGULAR COUNCIL MEETING ON MAY 2, 2005 BE ACCEPTED.**

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

B. **MOTION BY JACQUI FOX, SECONDED BY KARLYN GRANT: THAT THE MINUTES FROM THE SPECIAL MEETING ON MAY 16, 2005 BE ACCEPTED.**

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

- V. Correspondence: The Women's Club has requested use of the Old Academy Building to sell tickets for Christmas in Odessa.

**MOTION BY KARLYN GRANT, SECONDED BY JACQUI FOX:
THAT THE TOWN ALLOW THE WOMEN'S CLUB TO USE THE
OLD ACADEMY FOR THE PURPOSE OF SELLING TICKETS.**

MOTION CARRIED. VOTE: 3 AYE, 0NAY

- VI. Treasurer's Report and Approval of Budget Workshop Minutes:

**MOTION BY KARLYN GRANT, SECONDED BY JACQUI FOX:
THAT THE MINUTES FROM THE BUDGET WORKSHOP ON
MAY 10, 2005 BE ACCEPTED.**

MOTION CARRIED: 3 AYE, 0 NAY

The Balance Sheet and Profit & Loss Year-to-Date Comparison were submitted by Jim Grant and are attached hereto as attachments B and C.

**MOTION BY JACQUI FOX, SECONDED BY KARLYN GRANT:
THAT THE TREASURER'S REPORT BE ACCEPTED.**

MOTION CARRIED: 3 AYE, 0 NAY

- VII. Commission Reports:

- A. Parks- Jacqui Fox reported that replacement of the broken teeter totter will be discussed at the commission meeting on June 30 and estimated the cost at \$100-\$200. She added that the new mulch had been delivered and was spread by David Fox, Amy Ottinger, and Fred Kielkopf. Karlyn Grant publicly expressed her gratitude to all who helped, particularly Mr. Fox for his tireless efforts.
- B. Historic- Commission will meet on June 13 at 7:15 PM.
- C. Planning- New Chairperson Carole Coleman reported that William Bedzyk had been appointed Secretary and that all new commission members were expected to look over the Zoning Ordinance and Comprehensive Plan.

- VIII. Old Business:

- A. Parks Commission Missing Money- Kathy Harvey summarized actions taken to date on the issue of the Parks' missing money and stated her opinion that the Town owes the commission \$539 which can come from no other source than the Operating Fund.

MOTION BY KARLYN GRANT, SECONDED BY JACQUI FOX: THAT THE TOWN REIMBURSE THE PARKS COMMISSION \$539 FROM THE OPERATING EXPENSES.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

Both Harvey and Grant expressed their embarrassment on behalf of the Town that it has taken so long to resolve this issue. Applause met the ceremonious removal of this agenda item from the bulletin board list of long-standing unresolved business.

Jim Grant reminded Council that the budget will show the change effective in July.

- B. House Bill 172 (Handicapped Parking)- Kathy Harvey explained that the bill is still pending in the State government and recommended tabling the issue until it is necessary to write an ordinance.

MOTION BY JACQUI FOX, SECONDED BY KARLYN GRANT: THAT THIS AGENDA ITEM BE TABLED UNTIL THE NEXT MEETING.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

- C. Rezoning Request- Manista, Foley, and Fahey- Kathy Harvey is in favor of moving the request for rezoning to a Comprehensive Plan workshop where it can also be addressed by the Planning Commission. Jacqui Fox recommended giving Mr. Manista a timeline. Mr. Manista expressed his frustration that although other municipalities update their Comprehensive Plans on a regular basis, he, as a resident of Odessa, has already waited a year for an answer. Harvey offered to hold a public hearing.

MOTION BY JACQUI FOX, SECONDED BY KARLYN GRANT: THAT A PUBLIC HEARING BE SCHEDULED TO HEAR MANISTA, FOLEY, AND FAHEY'S REZONING REQUEST.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

Action: Kathy Harvey will collect fees from participating parties, and then set a date for the hearing.

- D. 610 Main Street- Home Occupation?- Council is awaiting a response from Zoning Administrator / Building Inspector Sam trice.

E. DelDOT'S Transportation Plan Status

- i. 299 Landscaping Between Rt. 13 N&S – Planting should occur in the late summer / early fall and the Town can expect to receive bids this summer.
- ii. “Do Not Enter” / “No Right Turn” Signs on Side Streets- Sample ordinances have been received from DelDOT. Kathy Harvey completed her poll of residents between the North and South bound lanes of Route 13 and the west side of High Street and reported that all who responded supported the use of signs.

Action: Kathy Harvey will prepare an ordinance to be read at the next meeting.

- iii. Major Transportation Plan- There is a meeting with DelDOT scheduled for Thursday, June 9 during which an engineering firm is expected to show its proposal for the design stage of the plan.

F. Town Boundaries- Kathy Harvey advised the Council to look over the information on town boundaries.

G. Historic Commission Request Regarding Gulf Station- Kathy Harvey reported that the orange fence has been taken down, the grass has been mowed, the pipes have been removed, and the sign will be taken down.

H. Sidewalk / Right-of-way Clean-up- Kathy Harvey acknowledged the Town's responsibility for clean-up and pointed out that reminder notices were posted promptly after May's Council meeting. Members of the audience voiced concern over abandoned automobiles parked on the sidewalks. Harvey will add the issue to next month's agenda.

Action: Harvey will review the clean-up spots.

- I. Ordinance 2005-1, Second Reading: An ordinance to amend 88-3 to delete section 6. Both Kathy Harvey and Jim Grant clarified the wording in response to questions from the audience.

MOTION BY JACQUI FOX, SECONDED BY KARLYN GRANT: THAT ORDINANCE 2005-1 BE ACCEPTED.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

- J. Ordinance 2005-2, Second Reading: An ordinance to set tax due date at September 1 and delinquent penalty at 5%- The public commented

that a due date of September 1 seems “harsh” as the bills are only received in June or July. The audience recommended September 30 as an alternative that would be more consistent with the due date for county taxes. Council agreed, yet reminded those present of the difficulty of operating a budget for a fiscal year beginning in July when, as in the past, taxes are not due until January.

- i. **MOTION BY JACQUI FOX, SECONDED BY KARLYN GRANT: THAT ORDINANCE 2005-2 BE AMENDED TO SET THE TAX DUE DATE AT SEPTEMBER 30 RATHER THAN SEPTEMBER 1.**

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

- ii. **MOTION BY JACQUI FOX, SECONDED BY KARLYN GRANT: THAT THE SECOND READING OF ORDINANCE 2005-2 BE ACCEPTED WITH THE CHANGE.**

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

K. Appointments

- i. Town Solicitor- Kathy Harvey had approached Cliff Hearn about the position of Town Solicitor and stated that he would be willing to handle cases, but at a cost of \$190/hour rather than Council’s proposed rate of \$125/hour and he would not attend Council meetings. Research by Raudenbush and Harvey shows that Odessa currently pays its Solicitor less than neighboring towns, and they reiterated the opinion that the Town should, in the future, use its Solicitor more wisely. The audience felt that there is no harm in looking into prices for other lawyers, but Harvey was concerned that the Town might be in need of a Solicitor after the upcoming Board of Adjustment hearing, which will occur before the next Council meeting. Treasurer Grant suggested charging the attorney fees to the party making the request.

MOTION BY JACQUI FOX, SECONDED BY KARLYN GRANT: THAT THE TOWN HIRE CLIFF HEARN AT A RATE OF \$190/HOUR IF NEEDED AFTER THE BOARD OF ADJUSTMENT HEARING AND THAT HARVEY PURSUE OTHER NAMES FOR CONSIDERATION AT JULY’S COUNCIL MEETING.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

Action: Kathy Harvey will research rates for other attorneys

and prepare a list of potential Town Solicitors for the July meeting.

- ii. Historic Commission- Joan Mason had volunteered to serve on the Historic Commission on a temporary basis, but Fox pointed out that she would not fill the requirement of a Planning or Council member. Harvey expressed the need to re-write the ordinance.

MOTION BY JACQUI FOX, SECONDED BY KARLYN GRANT: THAT WILLIAM BEDZYK BE APPOINTED TO THE HISTORIC COMMISSION ON A TEMPORARY BASIS AS THE PLANNING MEMBER.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

- iii. Tree Commission-

- a. **MOTION BY JACQUI FOX , SECONDED BY KARLYN GRANT: THAT RICHARD SMITH BE APPOINTED TO THE TREE COMMISSION FOR A THREE YEAR TERM ENDING IN 2008.**

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

- b. **MOTION BY JACQUI FOX , SECONDED BY KARLYN GRANT: THAT CINDY WILLIAMS BE APPOINTED TO THE TREE COMMISSION AS A HOME/PROPERTY OWNER FOR A THREE YEAR TERM ENDING IN 2007 AND THAT ELIZABETH WALLICK BE APPOINTED TO THE TREE COMMISSION PENDING AN AMENDMENT TO THE TREE COMMISSION ORDINANCE.**

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

Action: Kathy Harvey will draft an amendment to the Tree Commission Ordinance.

- iv. Planning Commission

Action: Kathy Harvey will pursue a resident of Odessa Heights for the Planning Commission.

- L. Jake Brake Signs- Sign have been ordered; Harvey will inform Council as soon as she knows the installation date.

M. Old Academy Roof Status- The scaffolding is down!

N. Historic Guidelines- Joan Mason delivered the work that had been done to date. Harvey is still reviewing the material, but can already see that it is not a workable document. The issue will be tabled until next month.

Action: Harvey will draft a letter to the University of Delaware.

O. Comprehensive Plan Workshop May 16 & 17, 2005- Harvey reported that Council received helpful comments from citizens and hopes for more “focus” and more specific citizen input after the next Planning Commission meeting. Two more workshops were scheduled, one during the day, to encourage more people to participate. Dates were set for June 29 at 10:00 AM and June 30 at 7:00 PM. Postcard reminders will be distributed.

P. Zoning Ordinance

IX. New Business

A. Workshop Meeting- See “Old Business.”

B. Trash Contract- The current contract with Waste Management with a monthly cost of \$11.79 expires on July 1, 2005. Treasurer Grant presented bids for a new contract, beginning with Waste Management at a cost of \$20.39 per month. BFI did not respond. Independent Disposal submitted a bid for \$14.47/month for the first year, \$14.98/month for the second year, and \$15.57/month for the third year; with the option to include curbside recycling for an additional \$1.00/month.

MOTION BY JACQUI FOX, SECONDED BY KARLYN GRANT: THAT THE TOWN ACCEPT THE BID FOR A THREE YEAR CONTRACT WITH INDEPENDENT DISPOSAL INCLUDING THE \$1.00 CURBSIDE RECYLING.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

C. Grass and Debris Ordinance Violations- Harvey asked Council’s permission to proceed with the sending of violation notices.

MOTION BY JACQUI FOX, SECONDED BY KARLYN GRANT: THAT NOTICES BE SENT TO VIOLATORS OF THE GRASS AND DEBRIS ORDINANCE.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

Action: Kathy Harvey will mail the notices.

D. Dog Ordinance

Action: Town will post “Friendly Reminders” about the Dog Ordinance.

- E. Resolution 2005-1 (Tax Rate)- Responding to audience’s observation, Council corrected a typographical error, switching the words “commercial” and “residential” on the Resolution.

MOTION BY JACQUI FOX, SECONDED BY KARLYN GRANT: THAT RESOLUTION 2005-1 BE ACCEPTED AS CORRECTED.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

F. Resolution 2005-2 (Secretary’s Salary)

MOTION BY KARLYN GRANT , SECONDED BY JACQUI FOX: THAT RESOLUTION 2005-2 BE ACCEPTED.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

G. Resolution 2005-3 (Treasurer’s Salary)

MOTION BY JACQUI FOX , SECONDED BY KATHY HARVEY: THAT RESOLUTION 2005-3 BE ACCEPTED.

VOTE: 2 AYE, 0 NAY, KARLYN GRANT NOT VOTING

- H. 2005-2006 Operating Budget- Treasurer Grant submitted the budget, attached hereto as attachment D. Harvey expressed the difficulty the Council faced in making budget cuts. On the matter of repair of the Old Academy roof, she explained that she did submit a grant application and should find out in August whether or not it was approved, at which time she would collect bids; and feels that the Town needs to set an example by maintaining the historic building as it is asking the community members to upkeep their own properties according to the Historic Guidelines.

Community members pointed out that trash collection costs are increasing and leaf removal has been eliminated, leaving fewer cleanup options. Fox suggested planning a community clean-up day.

MOTION BY JACQUI FOX, SECONDED BY KARLYN GRANT: THAT THE BUDGET FOR FISCAL YEAR 2005-2006 BE ACCEPTED.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

- I. Welcome Brochure, Town Picnic- Jacqui Fox asked Council and community members for ideas (such as friendly reminders and park and library services) to include in a brochure for new residents. She would like to plan a brainstorming meeting. Harvey suggested looking at the brochure put out by the Historic Commission for ideas.

A Community Picnic is tentatively scheduled for October 2, 2005 following the flea market / craft fair on October 1.

- X. Next Meeting's Date and Time: Due to the July 4th holiday, the next meeting of Mayor and Council will be held on Tuesday, July 5th at 7:00 PM.
- XI. Adjournment

MOTION BY JACQUI FOX, SECONDED BY KARLYN GRANT: THAT THE MEETING BE ADJOURNED.

MOTION CARRIED. VOTE: 3 AYE, 0 NAY

The meeting adjourned at 9:19.

Conversation continued as Kathy Harvey and Secretary Jessica Norton expressed the need for assistance in organizing files in the Town Office. Grant and Fox both offered to help in the evenings.

Kathy Harvey indicated that to date, no one had filed to run for Mayor. The deadline for filing is June 15.

Kathy Harvey introduced audience member Sara Wozniak with Appoquinimink River Association.

Accepted
7/5/05
Jessica Norton